

Summons in a Civil Action (Rev 11/97)

FILED

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

2008 AUG 14 PM 3:56

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RICHARD D. EMMERSON
AND M. HELEN EMMERSON,

vs *Plaintiffs,*

UNITED STATES OF AMERICA.

Defendant.

BY *FULT* DEPUTY

SUMMONS IN A CIVIL ACTION

Case No.

'08 CV 1439 W WMc

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Richard V. Vermazen, Esq., 1951 Cable Street, San Diego, CA 92107

Lauren A. Rinsky, Esq., 11440 West Bernardo Court, Ste 170, San Diego, CA 92127

An answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

CLERK

By

K. HAMMERLY Deputy Clerk

Summons in a Civil Action

AUG - 8 2008

DATE

Page 1 of 2

RETURN OF SERVICE			
Service of the Summons and Complaint was made by me		DATE 8-14-2008	
NAME OF SERVER Anna H Evashko		TITLE	
Check one box below to indicate appropriate method of service			
<input checked="checked" type="checkbox"/> Served personally upon the defendant. Place where served: Mary Wiggins Civil Process Clerk 15th Floor, Suite 1500, 101 W. Broadway San Diego, CA 92101			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:			
Name of person with whom the summons and complaint were left: _____			
<input type="checkbox"/> Return unexecuted:			
<input type="checkbox"/> Other (specify):			
STATEMENT OF SERVICE FEES			
TRAVEL		SERVICES	TOTAL
<div style="text-align: center;">DECLARATION OF SERVER</div> <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on: 8-14-08 Date</p> <p style="text-align: right;">Signature of Server Anna H. Evashko</p> <p style="text-align: right;">Address of Server 1951 Cable St., San Diego CA 92107</p>			
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE			
<p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

RETURN OF SERVICE			
Service of the Summons and Complaint was made by me		DATE <u>8-14-2008</u>	
NAME OF SERVER <u>Anna H Evashko</u>		TITLE	
Check one box below to indicate appropriate method of service			
<input checked="checked" type="checkbox"/> Served personally upon the defendant. Place where served: <u>Mary Wiggins / Civil Process Clerk</u> <u>15th Floor, Suite 1500, 101 W. Broadway</u> <u>San Diego, CA 92101</u>			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:			
Name of person with whom the summons and complaint were left: _____			
<input type="checkbox"/> Return unexecuted:			
<input type="checkbox"/> Other (specify):			
STATEMENT OF SERVICE FEES			
TRAVEL		SERVICES	TOTAL
<div style="text-align: center;">DECLARATION OF SERVER</div> <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on: <u>8-14-08</u> Date</p> <p style="text-align: right;"> <u>Anna H. Evashko</u> Signature of Server <u>1951 Cable St., San Diego CA 92107</u> Address of Server </p>			
<div style="text-align: center;">NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE</div> <p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure